

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE

UNITED STATES,

Plaintiff,

v.

BEN-CEN, INC.,

Defendant.

No.

06-mc-03

ORDER TO SHOW CAUSE

Upon the complaint, including the declaration of Special Agent Thomas Anastasia, and on the motion of plaintiff's attorneys, it is now

ORDERED that a representative of Ben-Cen, Inc., a Delaware Corporation, shall appear before the United States District Court for the District of Delaware, at the United States Courthouse, J. Caleb Boggs Federal Building, 844 North King Street, Wilmington, Delaware, in Courtroom 4B, on the 8TH day of FEBRUARY, 2006, at 10:30 A.M., to show cause why he should not be compelled to obey the internal revenue summons served upon it on July 28, 2005, in the investigation of Russell D. Applegate. It is further

ORDERED that copies of this order, together with the complaint and the declaration attached thereto, be personally served upon Ben-Cen, Inc., a Delaware Corporation, on or before the 30TH day of JANUARY, 2006. It is further

ORDERED that within eleven (11) days of service of copies of this order and the complaint and the declaration upon it, defendant Ben-Cen, Inc., a Delaware Corporation, shall file and serve written responses to the complaint, supported by appropriate affidavit(s), as well as any motions it desires to make. It is further

ORDERED that all motions and issues raised by the defendant will be considered upon the return date of this order, that only those issues raised by motion or brought into controversy by the responsive pleadings and supported by affidavit(s) will be

considered at the return of this order, and that any allegations in the complaint not contested by affidavit(s) will be considered as admitted for the purpose of this enforcement proceeding. Affidavits in opposition to the complaint or in support of any motion shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Any affidavit failing to comply with this standard shall not be considered by this Court. It is further

ORDERED that if defendant Ben-Cen, Inc., a Delaware Corporation, has no objection to entry of an order directing compliance with the summons issued, it will not be required to respond or appear as ordered above if the Clerk of the Court receives written notification thereof (with copies to counsel for the United States) at least five (5) *business* days prior to the hearing scheduled above.

DONE at Wilmington, Delaware this 18 day of January, 2006:


UNITED STATES DISTRICT JUDGE